

**MOTION PRACTICE, BRIEFS AND
PROTECTIVE ORDERS IN CIVIL COURTS**

Until further order of court, all motions filed in cases assigned to Judge Hibbler will conform to the following rules and guidelines:

Motions and Protective Orders

1. General

A. Motions will be heard at 9:15 a.m. Monday through Thursday.

B. The original and one copy of all motions and supporting documents must be delivered to the Clerk's Office on the 20th floor no later than three business days in advance of the date the motion is to be heard. Filing must be made with the Clerk's Office, not with chambers or with the courtroom deputy. Courtesy copies of motions will be accepted, but are not required

C. Moving counsel should check with the courtroom deputy, Jackie Collier (435-5583), the day before the motion is set to determine if there is a need to appear personally. The court will attempt to rule on "routine" motions (e.g., leave to file amended pleadings, motions for extensions of time, and motions that require briefing schedules) without requiring counsel to appear. If no appearance is required, moving counsel must so notify respondent's counsel.

If in connection with any such routine motion moving counsel is aware there will be an objection, this should be noted in the body of the motions. If the respondent intends to object to a routine motion, respondent's counsel should inform movant's counsel and the court's minute clerk by noon of the day preceding the day the motion is to be heard.

D. When a case is set for a status conference, any party may, within the time periods and in the manner set forth above, file a motion to be heard at the time of the status conference.

2. Discovery Motions

A. Civil discovery motions shall not be heard without an affidavit pursuant to Rule 12(k) of the Local General Rules. In addition, no party shall serve on any other party more than twenty (20) interrogatories in the aggregate without leave of court, in strict compliance with the provisions of Local General Rule 9(g).

If disputes arise during the conduct of depositions, counsel may contact the court by phone to seek a resolution. If the court cannot be reached immediately, counsel should proceed with the deposition as to areas (questions) not in dispute and the court will call back as soon as possible.

B. Automatic Disclosure Under Amended Federal Rule of Civil Procedure 26 (1993)

- (1) Unless specifically ordered otherwise in a given case, this court “opts out” of the initial disclosure required by Rule 26(a)(1).
- (2) Disclosures regarding experts’ opinions, the basis and supporting data, information and exhibits, qualifications, fees, and other cases in which the expert has testified in the last four years are automatically required by Rule 26(a)(2).
- (3) Unless otherwise ordered, expert disclosures required by Rule 26(a)(2) shall be made by plaintiffs no later than forty-five (45) days before the discovery cut-off date, and by defendants no later than thirty (30) days before the discovery cut-off date.

Rebuttal information required by Rule 26(a)(2) must be provided no later than ten (10) days before the discovery cut-off date, unless ordered otherwise.

- (4) Compliance with Rule 26(a)(2) is required before an expert may be designated as a trial witness in the final pretrial order.

3. Evidentiary Motions

All evidentiary motions must be filed with the Final Pretrial Order. This includes all motions in limine. Any request that the court take judicial notice of a fact at trial shall be in the form of a written motion and included with the Final Pretrial Order.

4. Memoranda of Law (Briefs)

A. The fifteen (15) page limitation on all memoranda shall be strictly enforced. Briefs that use nonstandard typeface or spacing to avoid this limitation will be stricken by the court. A motion to exceed that limit shall not be granted except in unusual circumstances.

B. Parties are to provide one copy for use in chambers of each cited authority found only on electronic databases such as Westlaw and Lexis or not reported in the West National Reporter System. Copies of the following authority must also be included; Bankruptcy Reporter, code of Federal Regulations. Illinois cases should be cited to both N.E.2d and Illinois Decisions.

5. Protective Orders

In light of the holding in Jepson, Inc. v. Makita Elect. Works, Ltd., 30 F.3d 854, 858-59 (7th Cir. 1994), with respect to protective orders:

A. This court will not require the inclusion of an express finding of good cause in such orders. Instead it will review such orders with care and in detail before signing them. The issuance of a protective order in the light of this Standing Order will constitute the court's determination, as required by Rule 26(c), that good cause existed for such issuance.

Issuance of any protective order will not, however, be given binding effect as a determination of good cause for Rule 26(c) purposes if at any future time either party moves for relief from the limitations of the protective order. At that time, this court will engage in an appropriate

balancing of the interests between privacy and public access in order to make a new determination of good cause in light of the facts then before this court (see Jepson, 30 F. 3d at 859).

ENTER:

William J. Hibbler, Judge
United States District Judge

Revised:
September 22, 1999